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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	:	Customer Number: 46320
	:	
Luciano SILVA	:	Confirmation Number: 7485
	:	
Application No.: 10/759,409	:	Group Art Unit: 2154
	:	
Filed: January 16, 2004	:	Examiner: J. Park
	:	
For:		PROGRAMMATIC ROLE-BASED SECURITY FOR A DYNAMICALLY GENERATED USER INTERFACE

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed May 20, 2008, wherein Appellant appeals from the Examiner's rejection of claims 4-17.

I. REAL PARTY IN INTEREST

This application is assigned to IBM Corporation by assignment recorded on January 16, 2004, at Reel 04909, Frame 0855.

II. RELATED APPEALS AND INTERFERENCES

Appellant is unaware of any related appeals and interferences.

III. STATUS OF CLAIMS

Claims 4-17 are pending and multiply rejected in this Application. Claims 1-3 have been cancelled. It is from the multiple rejections of claims 4-17 that this Appeal is taken.

IV. STATUS OF AMENDMENTS

The claims have not been amended subsequent to the imposition of the Second and Final Office Action dated May 20, 2008 (hereinafter the Second Office Action).

V. SUMMARY OF CLAIMED SUBJECT MATTER

1 Referring to Figure 1 and also to independent claim 4, a system for programmatic role-
2 based security in a dynamically generated user interface is disclosed. An application framework
3 configured through a deployment descriptor 140 comprises a listing of a set of views, a listing of
4 associated program logic and a listing of a set of authorized roles for selected ones of the views
5 (lines 1-9 of paragraph [0020]). A first view 110 is listed in the deployment descriptor and
6 comprises a linkage to a second view 120 listed in the deployment descriptor 140 (lines 1-3 of
7 paragraph [0023]). Access checking logic 130 is disposed in the first view 110 and programmed
8 to omit the linkage where a role of an end user accessing the first view 110 is not authorized to
9 access the second view 120 according to the listing of the set of authorized roles in the
10 deployment descriptor 140 (lines 1-8 of paragraph [0024]).

11 Referring to Figure 3 and also to independent claim 8, a method for programmatic role-
12 based security in a dynamically generated user interface is disclosed. In block 330, access to a
13 rendering of a selected view is authenticated based upon a role of an end user requesting access
14 to the selected view (lines 5-8 of paragraph [0026]). In blocks 340, 350, the selected view is

1 processed to identify a method call to access checking logic (lines 1-6 of paragraph [0027]). In
2 block 360, the role is compared to a set of roles authorized to access a different view associated
3 with the access checking logic (lines 6-7 of paragraph [0027]). In block 390, a link to the
4 different view is disposed in the rendering of the selected view conditional upon the role matches
5 a role in the set of roles (lines 9-10 of paragraph [0027]).

6 Referring to Figure 3 and also to independent claim 12, a machine readable storage
7 having stored thereon a computer program for programmatic role-based security in a
8 dynamically generated user interface is disclosed. The computer program comprises a routine
9 set of instructions which when executed by a machine cause the machine to perform the
10 following steps. In block 330, access to a rendering of a selected view is authenticated based
11 upon a role of an end user requesting access to the selected view (lines 5-8 of paragraph [0026]).
12 In blocks 340, 350, the selected view is processed to identify a method call to access checking
13 logic (lines 1-6 of paragraph [0027]). In block 360, the role is compared to a set of roles
14 authorized to access a different view associated with the access checking logic (lines 6-7 of
15 paragraph [0027]). In block 390, a link to the different view is disposed in the rendering of the
16 selected view conditional upon the role matches a role in the set of roles (lines 9-10 of paragraph
17 [0027]).

18 Referring to Figure 3 and also to independent claim 16, a method for programmatic role-
19 based security in a dynamically generated user interface is disclosed. In block 320, a
20 deployment descriptor is configured to specify a set of roles authorized to access renderings of
21 different views in a distributable application (lines 4-8 of paragraph [0026]; lines 1-6 of
22 paragraph [0019]). In blocks 360, 370, external access checking logic is programmed to match a
23 parameterized role with disposed in the set of roles in the deployment descriptor (lines 6-9 of

1 paragraph [0027]). In blocks 340, 360, a server page is composed to include a reference to the
2 external access checking and to invoke the external access in order to conditionally incorporate a
3 link to a specific view associated with a specific set of authorized roles (lines lines 3-7 of
4 paragraph [0027]).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 4 and 6-17 were rejected under 35 U.S.C. § 103 for obviousness based upon Bazinet et al., U.S. Patent Publication No. 2003/0167298 (hereinafter Bazinet), in view of Vasandani et al., U.S. Patent No. 6,985,946 (hereinafter Vasandani); and

2. Claim 5 was rejected under 35 U.S.C. § 103 for obviousness based upon Bazinet in view of Vasandani and Schenk, U.S. Patent Publication No. 2006/0004887.

VII. ARGUMENT

**THE REJECTION OF CLAIMS 4 AND 6-17 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS
BASED UPON BAZINET IN VIEW OF VASANDANI**

For convenience of the Honorable Board in addressing the rejections, claims 6-7 and 17 stand or fall together with independent claim 4; and claims 9-16 stand or fall together with independent claim 8.

As is evident from Appellants' previously-presented comments during prosecution of the present Application and from Appellants' comments below, there are questions as to how the limitations in the claims correspond to features in the applied prior art. In this regard, reference is made to M.P.E.P. § 1207.02, entitled "Contents of Examiner's Answer." Specifically, the following is stated:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

...

(9)(e) For each rejection under 35 U.S.C. 102 or 103 where there are questions as to how limitations in the claims correspond to features in the prior art even after the examiner complies with the requirements of paragraphs (c) and (d) of this section, the examiner must compare at least one of the rejected claims feature by feature with the prior art relied on in the rejection. The comparison must align the language of the claim side-by-side with a reference to the specific page, line number, drawing reference number, and quotation from the prior art, as appropriate. (emphasis added)

Therefore, if the Examiner is to maintain the present rejections and intends to file an Examiner's Answer, the Examiner is required to include the aforementioned section in the Examiner's Answer.

Appellants have compared the statement of the rejection found on pages 2-8 of the Second Office Action with the statement of the rejection found on pages 6-11 of the First Office

1 Action. Upon making this comparison, Appellants have been unable to discover any substantial
2 differences between the respective statements of the rejection. As such, Appellants proceed on
3 the basis that the Examiner's sole response to Appellants' First Amendment dated December 4,
4 2007 (hereinafter the First Response) is found on pages 9-12 of the Second Office Action in the
5 section entitled "Response to Arguments."

6
7 "In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of
8 presenting a *prima facie* case of obviousness."¹ The legal conclusion of obviousness is based on
9 underlying findings of fact including the scope and content of the prior art, the differences
10 between the prior art and the claims at issue, and the level of ordinary skill in the pertinent arts.²
11 "Secondary considerations such as commercial success, long felt but unsolved needs, failure of
12 others, etc., might be utilized to give light to the circumstances surrounding the origin of the
13 subject matter sought to be patented."³ Therefore, to properly make a finding of obviousness, a
14 comparison between the applied prior art and the claims at issue must be made to ascertain the
15 differences between what is being claimed and the teachings of the applied prior art. Moreover,
16 before making a proper comparison between the claimed invention and the prior art, the
17 language of the claims must first be properly construed.⁴ This burden has not been met.

18
19

¹ *In re Rijckaert*, 9 F.3d 1531, 1532 (Fed. Cir. 1993) (citing *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992)).

² *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1734 (2007).

³ *Id.* (quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17-18 (1966)).

⁴ See *In re Paulsen*, 30 F.3d 1475, 1479 (Fed. Cir. 1994); see also, *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1567-68 (Fed. Cir. 1987) (In making a patentability determination, analysis must begin with the question, "what is the invention claimed?" since "[c]laim interpretation, . . . will normally control the remainder of the decisional process"); see *Gechter v. Davidson*, 116 F.3d 1454, 1460 (Fed. Cir. 1997) (requiring explicit claim construction as to any terms in dispute).

Claim 4

Independent claim 4 is directed to the concept that a first view includes a linkage to a second view and that access checking logic omits the linkage when an end user, who is accessing the first view, is not authorized to access the second view. Additionally, as recited in claim 17, the linkage is displayed when the end user is authorized to access the second view. Independent claims 8, 12, and 16 are directed to similar concepts.

Regarding the claimed "access checking logic disposed in said first view and programmed to omit said linkage," the Examiner merely stated "no access." In this regard, Appellant is entirely unclear how Bazinet teaches the specifically claimed limitations. A user having "no access" does not necessarily require that the linkage is omitted. Moreover, the Examiner has failed to establish that the access checking logic is disposed in the first view. Without the Examiner more clearly explaining the Examiner's analysis, Appellant cannot agree with the Examiner's assertion that Bazinet teaches these limitations.

On page 7 of the First Office Action, the Examiner asserted the following:

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Bazinet to include the method of role based security access as taught by Vasandani in order to efficiently control security access by the user's roles predefined.

It is readily apparent that the Examiner has failed to consider the claimed invention, as a whole. The Examiner's assertion that it would have been obvious to include role based security access has no apparent relationship to whether or not linkage is omitted in a first view, as claimed. In this regard, the Examiner has not explained why one having ordinary skill in the art would employ role based security access to this function. Moreover, Bazinet already teaches that the user is authenticated. In this regard, the Examiner has not explained why one having ordinary

skill in the art would modify Bazinet "to efficiently control security access" when security access has already been taught as being controlled by Bazinet.

The Examiner's Response

The above-reproduced arguments were previously presented on pages 8-10 of the First Response. The Examiner's response to these arguments is found on page 10-12 of the Second Office Action. With regard to Appellants' questions as to the claimed "access checking logic disposed in said first view and programmed to omit said linkage," the Examiner asserted the following:

The access checking logic (processing of checking authentication, 406-414 in figure 4) disposed in the portal application (102 in figure 4) and, the portal application provides the first view to the client (the portal application generate a page (equivalent to applicant's first view) to the client, see, e.g., page 3, paragraph [0038] and step 416 in figure 4); and access checking logic disposed in said first view and programmed to omit said linkage (the portal application generate a page (equivalent to applicant's first view) to the client containing entries corresponding to the backend applications that the authenticated user can access based on the access privileges of the authenticated user, see, e.g., page 3, paragraphs [0038] and [0039])(the web browser displays on page (502 in figure 5) a list of backend applications allowed for the authenticated user, which means inherently do not show backend applications (application p, data 4, 510 in figure 5) for the unauthenticated user (user i, 504 in figure 5), see, e.g., page 4, paragraph [0040] and figure 5).

The Examiner's analysis fails to consider the actual language of the claims. As claimed, the access logic is within the first view. The Examiner's assertion that the access checking logic is disposed in the portal application that provides the first view to the client fails to teach this limitation. Thus, the Examiner has failed to establish that Bazinet teaches the limitations for which the Examiner is relying upon Bazinet to teach.

Regarding Appellants' arguments as to the Examiner's obviousness analysis, the Examiner asserted the following:

In response to argument 3), In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be

established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Bazinet teaches the access control by authentication information (the authentication information includes user name and password combination, data on a smartcard etc, see, e.g., page 3, paragraph [0037]). Vasandani teaches the deficiency of role based access control (a userID-role database and a resource-role database for use in a web server to grant access to web resources to users, see, e.g., col. 2, lines 58-62), though it is obvious to include the user roles in the authentication information.

In this case, the obviousness can be established by modifying the authentication information taught of Bazinet to produce the claimed invention in the knowledge generally available to one of ordinary skill in the art.

The Examiner's analysis, however, has failed to respond to Appellants' arguments. As previously argued, Bazinet already teaches authentication, and the Examiner has failed to establish any additional benefit arising from the Examiner's proposed modification. As such, one having ordinary skill in the art, while employing common sense, would not modify a reference when such a modification produces no identifiable benefit. Therefore, for the reasons presented above, Appellants respectfully submit that the Examiner has failed to establish that claim 1 is obvious in view of the combination of Bazinet and Vasandani.

Claims 8 and 12

Regarding claims 8 and 12, the Examiner relied extensive upon Fig. 4 of Bazinet. For example, regarding the claimed "processing said selected view to identify a method call to access checking logic," the Examiner cited steps 422-434 in Fig. 4. However, these steps do not "identify a method call to access checking logic," as claimed. Instead, as described in paragraph [0042], the user has already been authenticated (see steps 408-414).

The Examiner's response to these argument is found on page 12 of the Second Office Action and reproduced below:

1 The portal application generate a page (equivalent to applicant's first view) to the client
2 based on the checking authentication process (equivalent to applicant's access checking logic, 406-
3 414 in figure 4)(see, e.g., page 3, paragraph [0038] and step 416 in figure 4).

4 Therefore, Bazinet inherently teaches a process of the page to identify with the checking
5 authentication process.
6

7 Yet again, the Examiner's analysis fails to consider the actual language of the claim.
8 Allegedly generating a page based upon a checking authentication process is not the same as
9 "processing said selected view to identify a method call to access checking logic," as claimed. In
10 Bazinet, the alleged accessing checking logic (i.e., the checking authentication process) occurs
11 prior to the alleged first view (i.e., the page) is generated. As such, there is no need for the first
12 view to include a method call to access checking logic. On this basis alone, Bazinet fails to teach
13 the limitations for which the Examiner is relying upon Bazinet to teach.
14

15 Appellants also submit that the Examiner's reliance upon the doctrine of inherency is
16 misplaced. Inherency may not be established by probabilities or possibilities. The mere fact that
17 a certain thing may result from a given set of circumstances is not sufficient to establish
18 inherency.⁵ To establish inherency, the extrinsic evidence must make clear that the missing
19 element must necessarily be present in the thing described in the reference, and that the necessity
20 of the feature's presence would be so recognized by persons of ordinary skill.⁶ Furthermore,
21 reference is made to ex parte Schricker,⁷ in which the Honorable Board of Patent Appeals and
22 Interferences stated the following:

23 However, when an examiner relies on inherency, it is incumbent on the examiner to point to the
24 "page and line" of the prior art which justifies an inherency theory. Compare, In re Rijckaert, 9

⁵ In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); In re Oelrich, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981).

⁶ Finnegan Corp. v. ITC, 180 F.3d 1354, 51 USPQ2d 1001 (Fed. Cir. 1999); In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999); Continental Can Co. USA v. Monsanto Co., 20 USPQ 2d 1746 (Fed. Cir. 1991); Ex parte Levy, 17 USPQ2d 1461 (BPAI 1990).

⁷ 56 USPQ2d 1723, 1725 (BPAI 2000).

1 F.3d 1531, 1533, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (when the PTO asserts that there is an
2 explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or
3 suggestion appears in the prior art); In re Yates, 663 F.2d 1054, 107, 211 USPQ 1149, 1151
4 (CCPA 1981).
5

6 This burden has not been met. Thus, the Examiner has not established that this limitation is
7 inherently disclosed by Bazinet.
8

9 **THE REJECTION OF CLAIM 5 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON**
10 **BAZINET IN VIEW OF VASANDANI AND SCHENK**

11 For convenience of the Honorable Board in addressing the rejections, claim 5 stands or
12 falls together with dependent claim 5.
13

14 Claim 5 depends from independent claim 4, and Appellant incorporates herein the
15 arguments previously advanced in traversing the imposed rejection of claim 1 under 35 U.S.C. §
16 103 for obviousness based upon Bazinet and Vasandani. The tertiary reference to Schenk does not
17 cure the argued deficiencies of the combination of Bazinet and Vasandani. Accordingly, even if one
18 having ordinary skill in the art were motivated to modify the combination of Bazinet and Vasandani
19 in view of Schenk, the proposed combination of references would not yield the claimed invention.
20 Appellant, therefore, respectfully submits that the imposed rejection of claim 5 under 35 U.S.C.
21 § 103 for obviousness based upon Bazinet in view of Vasandani and Schenk is not viable.
22

23 **Conclusion**

24 Based upon the foregoing, Appellant respectfully submits that the Examiner's rejections
25 under 35 U.S.C. § 103 based upon the applied prior art is not viable. Appellant, therefore,

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1 respectfully solicits the Honorable Board to reverse the Examiner's rejections under 35 U.S.C. §
2 103.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: July 21, 2008

Respectfully submitted,

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CUSTOMER NUMBER 46320

VIII. CLAIMS APPENDIX

4. A system for programmatic role-based security in a dynamically generated user interface, the system comprising:

an application framework configured through a deployment descriptor comprising a listing of a set of views, a listing of associated program logic and a listing of a set of authorized roles for selected ones of said views;

a first view listed in said deployment descriptor and comprising a linkage to a second view listed in said deployment descriptor; and,

access checking logic disposed in said first view and programmed to omit said linkage where a role of an end user accessing said first view is not authorized to access said second view according to said listing of said set of authorized roles in said deployment descriptor.

5. The system of claim 4, wherein said application framework comprises the Struts framework.

6. The system of claim 4, wherein said program logic comprises servlets and wherein said views comprise Java server pages (JSPs).

7. The system of claim 6, further comprising a custom tag disposed in said first view for invoking said access checking logic and for omitting said linkage responsive to said access checking logic.

8. A method for programmatic role-based security in a dynamically generated user interface, the method comprising the steps of:

authenticating access to a rendering of a selected view based upon a role of an end user requesting access to said selected view;

processing said selected view to identify a method call to access checking logic;

comparing said role to a set of roles authorized to access a different view associated with said access checking logic; and,

disposing a link to said different view in said rendering of said selected view conditional upon said role matches a role in said set of roles.

9. The method of claim 8, wherein said step of authenticating comprises the step of comparing said role to a set of roles associated with said selected view to locate a match for said role.

10. The method of claim 9, wherein said locating step comprises the step of parsing a deployment descriptor for an application framework hosting said selected view and said different view to identify said set of roles.

11. The method of claim 8, wherein said processing step comprises the step of invoking external access checking logic for a located server page tag referencing said access checking logic.

12. A machine readable storage having stored thereon a computer program for programmatic role-based security in a dynamically generated user interface, the computer program comprising a routine set of instructions which when executed by a machine cause the machine to perform the steps of:

authenticating access to a rendering of a selected view based upon a role of an end user requesting access to said selected view;

processing said selected view to identify a method call to access checking logic;

comparing said role to a set of roles authorized to access a different view associated with said access checking logic; and,

disposing a link to said different view in said rendering of said selected view conditional upon said role matches a role in said set of roles.

13. The machine readable storage of claim 12, wherein said step of authenticating comprises the step of comparing said role to a set of roles associated with said selected view to locate a match for said role.

14. The machine readable storage of claim 13, wherein said locating step comprises the step of parsing a deployment descriptor for an application framework hosting said selected view and said different view to identify said set of roles.

15. The machine readable storage of claim 12, wherein said processing step comprises the step of invoking external access checking logic for a located server page tag referencing said access checking logic.

16. A method for programmatic role-based security in a dynamically generated user interface, the method comprising the steps of:

configuring a deployment descriptor to specify a set of roles authorized to access renderings of different views in a distributable application;

programming external access checking logic to match a parameterized role with disposed in said set of roles in said deployment descriptor; and,

composing a server page to include a reference to said external access checking and to invoke said external access in order to conditionally incorporate a link to a specific view associated with a specific set of authorized roles.

17. The system of claim 4, wherein said access checking logic is programmed to display said linkage where a role of the end user accessing said first view is authorized to access said second view.

IX. EVIDENCE APPENDIX

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellant in this Appeal, and thus no evidence is attached hereto.

X. RELATED PROCEEDINGS APPENDIX

Since Appellant is unaware of any related appeals and interferences, no decision rendered by a court or the Board is attached hereto.